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PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chang et al

Examiner: Jeanty, Romain

Serial No: 10/617,965

Group: Art Unit: 3623

Filed: July 11, 2003

Docket: Y0R920030197US1 (8728-627)

For: **SYSTEM AN METHODS FOR MONITORING AND CONTROLLING
BUSINESS LEVEL SERVICE LEVEL AGREEMENTS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop - Petitions

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181
AND SUPPORTING STATEMENT**

This is a petition under 37 C.F.R. 1.181 requesting withdrawal of the holding of abandonment of the above-identified application. On or about February 16, 2006, our office received a Notice of Abandonment, which was mailed on February 14, 2006, indicating that the above-identified application had gone abandoned based on Applicant's failure to timely file a response to an Office Action mailed on 27 July 2005. A copy of the Notice of Abandonment is annexed hereto.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria VA. 22313-1450, on the date indicated below.

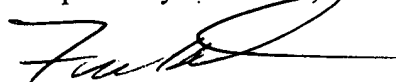
Dated: 4/10/06


Frank V. DeRosa

However, the record in this case indicates that our Office never received the Office Action of 27 July 2005 because the Office Action was mailed to a wrong address. Indeed, on 27 July 2005, the undersigned attorney mailed a Change of Correspondence Address form, which was filed on 29 July 2005. A copy of the Change of Correspondence Address form as filed with the USPTO on 29 July 2005 is annexed hereto.

Apparently, the Office Action was issued on the same day that the Change of Correspondence was mailed (i.e., 27 July 2005). The Office Action was returned to the USPTO as undelivered on 28 July 2005 (as indicated in the annexed printout from the PUBLIC PAIR for this application). Despite the filing of the Change of Correspondence, the Office Action was not re-mailed to our new address. As such, the Applicants' undersigned attorney was not aware of the outstanding Office Action, until receiving the Notice of Abandonment. Accordingly, Applicants respectfully request that the Notice of Abandonment be withdrawn, and that the Patent Office reissue the outstanding Office Action.

Respectfully submitted,

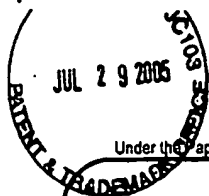


Frank V. DeRosa

Reg. No. 43,584

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IFW

PTO/SB/122 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

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CHANGE OF CORRESPONDENCE ADDRESS

Application

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Application Number	10/617,965
Filing Date	July 11, 2003
First Named Inventor	Chang
Art Unit	3623
Examiner Name	Jeanty, Romain
Attorney Docket Number	YOR920030197US1 (8728-627)

Please change the Correspondence Address for the above-identified patent application to:

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OR

<input type="checkbox"/> Firm or Individual Name	Frank V. DeRosa				
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City	WOODBURY	State	NY	Zip	11797
Country	US				
Telephone	516-692-8888	Fax	516-692-8889		

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I am the:

- ☐ Applicant/Inventor
- ☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ Attorney or Agent of record. Registration Number 43,584
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Typed or Printed Name Frank V. DeRosa

Signature

Date July 27, 2005

Telephone (516) 692-8888

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent Application Information Retrieval

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SUBMIT

10/617,965 Systems and methods for monitoring and control level agreements

Application Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Publication Dates
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This application is officially maintained in electronic form. To View: C
Print: Check the desired document(s) and click StartDownload.

Mail Room Date	Document Description
02-14-2006	Abandonment
07-29-2005	<u>Change of Address</u>
07-28-2005	Mail returned to USPTO as undelivered
07-28-2005	<u>Non-Final Rejection</u>
07-28-2005	List of references cited by examiner
05-02-2005	<u>Response to Election / Restriction Filed</u>
03-31-2005	Requirement for Restriction/Election
03-31-2005	<u>Index of Claims</u>
11-20-2003	Oath or Declaration filed
10-08-2003	<u>Pre-Exam Formalities Notice</u>
07-11-2003	Transmittal letter
07-11-2003	<u>Specification</u>
07-11-2003	Claims
07-11-2003	<u>Abstract</u>
07-11-2003	Drawings

07-11-2003

[Fee Worksheet \(PTO-875\)](#)**07-11-2003****[Fee Worksheet \(PTO-875\)](#)**

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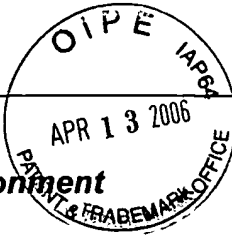
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,965	07/11/2003	Hung-Yang Chang	YOR920030197US1 (8728-627)	4134
46069	7590	02/14/2006	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			JEANTY, ROMAIN	
			ART UNIT	PAPER NUMBER
			3623	



DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment



Application No.

10/617,965

Examiner

Romain Jeanty

Applicant(s)

CHANG ET AL.

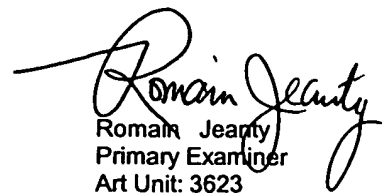
Art Unit

3623

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 July 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Romain Jeanty
Primary Examiner
Art Unit: 3623

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.